

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHAD COLLINS, <sup>1</sup>	§
	§ No. 645, 2011
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for Kent County
JESSICA COLLINS,	§ File No. CK05-02074
	§ Petition No. 09-37231
Respondent Below-	§
Appellee.	§

Submitted: December 22, 2011

Decided: January 10, 2012

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 10<sup>th</sup> day of January 2012, it appears to the Court that:

(1) On November 28, 2011, the Court received the appellant's notice of appeal from the Family Court's October 20, 2011 order denying the appellant's request for priority scheduling of his motion for custody modification.

(2) On November 29, 2011, the Clerk of the Court issued a notice directing the appellant to show cause why his appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for his failure to comply

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<sup>1</sup> The Court *sua sponte* assigned pseudonyms to the parties by Order dated November 29, 2011. Supr. Ct. R. 7(d).

with Rule 42 when taking an appeal from an apparent interlocutory order. On December 22, 2011, the appellant filed a response to the notice to show cause. In the response, the appellant did not address this Court's lack of jurisdiction to entertain an interlocutory appeal in the absence of compliance with Rule 42.

(3) Absent compliance with Rule 42, the jurisdiction of this Court is limited to the review of final judgments of trial courts.<sup>2</sup> An order is deemed to be "final" if the trial court has clearly declared its intention that the order be the court's "final act" in the case.<sup>3</sup>

(4) It is apparent that the Family Court did not intend its October 20, 2011 order to be its "final act" in the case. As such, the Family Court's order is interlocutory. Because the appellant has not attempted to comply with Rule 42, this Court has no jurisdiction to consider his appeal and, therefore, the appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>2</sup> *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).

<sup>3</sup> *J.I. Kislak Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).